

APPEAL NO. 021508
FILED JULY 23, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 15, 2002. The hearing officer resolved the disputed issues by deciding that the respondent's (claimant) compensable injury of _____, extends to and includes an injury to the claimant's low back and cervical spine, and that the claimant had disability from April 25, 2001, through March 28, 2002. The appellant (carrier) appealed. No response was received from the claimant.

DECISION

As reformed herein, the hearing officer's decision is affirmed.

It is undisputed that the claimant sustained a compensable injury on _____. The disputed issues were whether the compensable injury includes an injury to the claimant's low back, thoracic spine, and cervical spine, and whether the claimant has had disability, and if so, for what period. The hearing officer's Finding of Fact No. 2 states "On _____, the Claimant was injured, with damage or harm to the physical structure of his body to include his low back, thoracic spine and cervical spine, while furthering the business interest of his employer." While it would have been better for the hearing officer to have also made a finding as to whether the claimant fell all the way to the floor when he fell through the ceiling while performing his work duties, it is apparent from the hearing officer's discussion of the evidence that the hearing officer was persuaded that the claimant met his burden of proof with regard to the issue on the extent of the injury, and thus we decline to remand for additional findings. The hearing officer's finding on the issue of the extent of the compensable injury and his determination on the disability issue are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

Although the hearing officer found in Finding of Fact No. 2 that the compensable injury includes the claimant's low back, thoracic spine, and cervical spine, Conclusion of Law No. 3 and the hearing officer's decision state "The compensable injury of _____, extends to and includes an injury to the Claimant's low back and cervical spine," with no mention of the thoracic spine. Thus, the hearing officer's conclusion of law and decision on the issue of the extent of the claimant's injury are not consistent with his finding of fact on that issue. We believe that the hearing officer's failure to mention the claimant's thoracic spine in Conclusion of Law No. 3 and in the "Decision" section of his decision and order were typographical errors. Accordingly, we reform the hearing officer's conclusion of law and decision on the issue of the extent of the claimant's injury to conform to his finding of fact on that issue. Conclusion of Law No. 3 and the hearing officer's decision are reformed as follows: **"The compensable**

injury of _____, extends to and includes an injury to the claimant's low back, thoracic spine, and cervical spine." No change is made to the determination on the disability issue.

The hearing officer's decision and order, as reformed herein, is affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**C T CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Thomas A. Knapp
Appeals Judge